

OFFICIAL

Re: U.S. Patent Application No. 09/476,485 filed 12/30/1999
Title: Progenitor Cell Preservation Factors and Methods for and Products of Their Use

First Inventor: Colucci, et al.

Examiner: M. Belyavskiy Group Art Unit: 1644

Attorney Docket No.: 108236.119

RECEIVED
CENTRAL FAX CENTER

FEE 1 9 2004

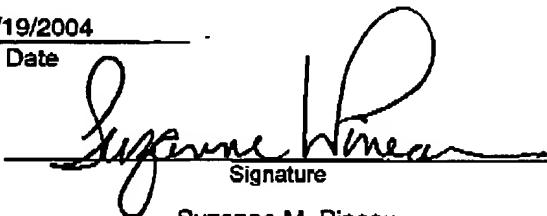
Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to:

Technology Center 1600, 703-305-3014

on 02/19/2004

Date



Signature

Suzanne M. Pineau

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

| <u>Document</u> | <u>No. Pgs.</u> |
|---|---------------------|
| Request for RCE | 1 |
| Fee Transmittal | 1 |
| Amendment and Response as Submission Under 37 CFR 1.114 | 8 |

Total Number of Pages (including this Certificate of Transmission)

11

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|---|------------------------------|-----------------|
| Request | Application Number: | 09/476,485 |
| For | Filing Date: | 12/30/1999 |
| Continued Examination (RCE) Transmittal | | |
| Address to: | First Named Inventor: | Colocci, et al. |
| Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Art Unit: | 1644 |
| | Examiner Name: | M. Belyavskiy |
| | Attorney Docket Number: | 108236119 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/ Declaration(s) iv. Other _____

2. **Miscellaneous:**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. **Fees:** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0219

i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.196 and 1.17)
iii. Other _____

b. Check in the amount of \$ _____ enclosed
c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--|-----------------------------------|--------|
| Name (Print/Type) | Michael J. Womley | Registration No. (Attorney/Agent) | 38-349 |
| Signature |  | | |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|--|------|------------|
| Name (Print/Type) | Suzanne M. Pineau | Date | 02/19/2004 |
| Signature |  | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)
Approved for use through 07/31/2008. OMB 0651-0032U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,060.00)

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | 09/476,485 |
| Filing Date | 12/30/1999 |
| First Named Inventor | Colucci, et al. |
| Examiner Name | M. Belyavskyi |
| Art Unit | 1644 |
| Attorney Docket No. | 108236.119 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

| | |
|------------------------|-------------------|
| Deposit Account Number | 08-0219 |
| Deposit Account Name | Hale and Dorr LLP |

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|------------------------|--------------|------------------------|---------------|-----------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | | | |
| 1002 340 | 2002 170 | Design filing fee | | | |
| 1003 530 | 2003 265 | Plant filing fee | | | |
| 1004 770 | 2004 385 | Reissue filing fee | | | |
| 1005 160 | 2005 80 | Provisional filing fee | | | |
| SUBTOTAL (1) (\$ 0.00) | | | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------|----------------|-----------|
| 20 | -20** = | | X | |
| 2 | -3** = | | X | |
| | | | | 290 = 290 |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description |
|--------------------------|--------------|--|---------------|-----------------|
| 1202 18 | 2202 9 | Claims in excess of 20 | | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | | |
| SUBTOTAL (2) (\$ 290.00) | | | | |

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,390 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | 770.00 |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 770.00)

| SUBMITTED BY | (Complete if applicable) | | |
|-------------------|--------------------------|--------------------------------------|-------------------------------|
| Name (Print/Type) | Michael J. Twomey | Registration No. (Attorney/Agent) | 38,349 Telephone 617-526-6190 |
| Signature | | Date | 02/19/2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22314-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

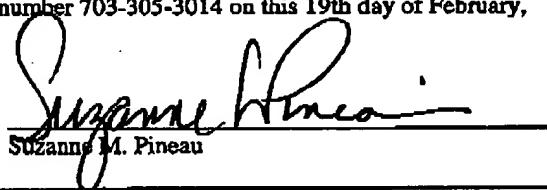
FEB 19 2004

| | | | |
|-----------------|--|-----------|---------------|
| Application No. | 09/476,485 | Art Unit: | 1644 |
| Applicant(s): | Colucci et al. | Examiner: | M. Belyavskyi |
| Date Filed: | December 30, 1999 | Conf. No. | 7906 |
| Docket No. | 108236.119 | Cust. No. | 23483 |
| Title: | Progenitor Cell Preservation Factors and Methods for and Products of Their Use | | |

OFFICIAL**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Technology Center 1600, via facsimile number 703-305-3014 on this 19th day of February, 2004.

2-19-04
Date of Signature


Suzanne M. Pineau

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Amendment and Response as
Submission Under 37 CFR 1.114**

Sir:

In response to the Office Action dated November 19, 2003 in connection with the above-identified application, Applicants submit herewith a Request for Continued Examination under 37 CFR §1.114, and the following Amendment and Response as a Submission with the Request.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.